

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

JAMES H. GAUSE, JR.,	)	CASE NO. 1:07 CV 350
	)	
Plaintiff,	)	JUDGE ANN ALDRICH
	)	
v.	)	<u>MEMORANDUM OF OPINION</u>
	)	<u>AND ORDER</u>
HARRY E. HAGEMAN, et al.,	)	
	)	
Defendants.	)	

On February 8, 2007, plaintiff pro se James H. Gause, Jr., an inmate at the Belmont Correctional Institution, filed this civil rights action against Ohio Adult Parole Authority Chairperson Harry Hageman and Ohio Department of Rehabilitation and Correction Director Reginald Wilkinson. While unclear, the complaint appears to allege plaintiff is incarcerated as a result of a finding that he violated the terms and conditions of his post release control. He asserts his incarceration violates his rights, and seeks an order releasing him from confinement.

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental employee or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §1915A; Siller v. Dean, No. 99-5323, 2000 WL 145167 , at \*2 (6th

Cir. Feb. 1, 2000).

The complaint explicitly challenges plaintiff's current confinement in a correctional institution. When a prisoner challenges "the very fact or duration of his physical imprisonment, ... his sole federal remedy is a writ of habeas corpus." Preiser v. Rodriguez, 411 U.S. 475 (1973).

Accordingly, this action is dismissed pursuant to 28 U.S.C. §1915A. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

s/Ann Aldrich  
ANN ALDRICH  
UNITED STATES DISTRICT JUDGE

Dated: April 25, 2007